

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

**Civ. No. 18-957**

2005 HARLEY DAVIDSON ROAD KING FLHRSI  
VIN:1HD1FYW155Y621095,

*Defendant-in-rem.*

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

Plaintiff, United States of America, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

**DEFENDANT *IN REM***

2. The defendant *in rem* consists of the following:

i. 2005 Harley Davidson Road King FLHRSI  
VIN:1HD1FYW155Y621095,  
(hereafter referred to as “Defendant Conveyance”).

3. The Defendant Conveyance was seized by the Drug Enforcement Administration on April 25, 2018, in the District of New Mexico.

4. The Defendant Conveyance is now, and during the pendency of this action will be, in the jurisdiction of this Court.

**JURISDICTION AND VENUE**

5. The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.

6. Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendant Conveyance will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

**FACTS**

7. From approximately April 2017 through April 2018 Agents conducted surveillance of Jose Ignacio Caro and co-conspirators in a Drug Trafficking Organization (DTO). Las Cruces (LCRO) Strike Force Group 1 and Homeland Security Investigation (HSI) began investigating the DTO based in Las Cruces, NM and discovered that Jose Caro was a high level cocaine dealer in the DTO. Caro collected kilogram quantities of cocaine and drug proceeds.

8. Caro did not have any legitimate income during the investigation.

9. On April 18, 2018, Jose Ignacio Caro was indicted by a federal grand jury on multi-count charging him and others for drug-related and money laundering offenses.

10. On April 25, 2018, DEA agents, United States Marshals (USMS), and Federal Bureau of Investigations (FBI) Agents executed the federal arrest warrant for CARO at 2210 Box St, Apt #3 in Las Cruces, New Mexico.

11. On April 25, 2018, in a post-*Miranda* statement, Caro informed agents that he purchased all of his motorcycles with legitimate money. Agents told Caro that they knew he did not have a job. Caro laughed and changed his story claiming the motorcycles were “a gift.”

When Caro was asked why he did not put property in his own name, Caro confirmed that he did not put anything in his own name, referring to vehicles and other property. Agents told Caro that they retrieved kilogram packaging for cocaine from a trash pull at his residence and showed Caro pictures. Caro stated, "You guys went through my trash?" Agents affirmed, and Caro stated, "I usually never throw that shit in my own garbage," and "I messed up one time and put it in there."

12. Agents told Caro that they watched him conduct a cocaine transaction with Eulalio Chavez at a restaurant. Agents then followed him to an apartment, where they had him arrested for an outstanding warrant. Agents also told Caro that they recovered \$1,400 of recorded Official Advance Funds (OAF) used by an undercover DEA agent to purchase cocaine from Chavez. Caro stated, "It was more than \$1,400 that I had, it was more like \$6,000." Caro then asked if the \$1,400 of the money was buy money, and agents told him that it was. Caro then put his head down and said, "Damn."

13. Caro subsequently gave written consent to search his storage unit located at 1608 El Paseo Road, Las Cruces, NM (Unit# 1241).

14. Agents seized the Defendant Conveyance which was parked at his storage unit, under the theory of proceeds.

15. Caro's main customer, Chavez, and his cocaine source of supply, Fidel Gonzales, were indicted on federal drug-related charges and were arrested on April 25, 2018.

16. On May 08, 2018, Special Agents Joseph Montoya and Allan Russo interviewed Thomas C. Sosa who was listed as the registered owner of the Defendant Conveyance. Sosa stated that he sold the Defendant Conveyance to Caro last summer, July 2017, for \$10,000.00 cash. Sosa stated that Caro made two separate payments of \$7,000.00 and \$3,000.00. Sosa could not locate his bill of sale, but claimed Caro paid him in full. Sosa stated that he met Caro at his

place of employment because Caro would routinely purchase tires/rims from his store for his multiple vehicles. When asked if Sosa knew that Caro was in the drug trafficking business, Sosa stated that he believed Caro was because, "you hear things."

17. Jose Ignacio Caro's criminal history includes the following: a felony conviction for Trafficking a controlled substance (multiple); Battery of a household member; Criminal damage to property; Resisting, evading, or obstructing an Officer (multiple); Trafficking methamphetamine; Aggravated fleeing a Law Enforcement Officer; Trafficking narcotics; Trafficking a controlled substance within a school zone; and Possession of cocaine.

**CLAIM FOR RELIEF**

18. The United States incorporates by reference the allegations in paragraphs 1 through 17 as though fully set forth.

19. Title 21, United States Code, Section 881(a)(6) subjects to forfeiture "[a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter."

20. Defendant Conveyance was furnished, or intended to be furnished, in exchange for a controlled substance, or constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act and is thus subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

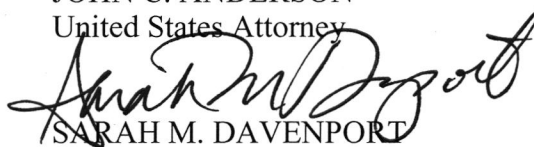
WHEREFORE: Plaintiff seeks arrest of Defendant Conveyance and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown

Claimants to the Defendant Conveyance, costs and expenses of seizure and of this proceeding,  
and other proper relief.

Respectfully submitted,

JOHN C. ANDERSON

United States Attorney

A handwritten signature in black ink, appearing to read "Sarah M. Davenport", is written over the printed name.

SARAH M. DAVENPORT

Assistant U.S. Attorney

200 N. Church Street

Las Cruces, NM 88001


(575) 522-2304

**28 U.S.C. § 1746 DECLARATION**

I am a Special Agent with the Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: 10-11-18



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Joseph D. Montoya, Special Agent  
Drug Enforcement Administration



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**2005 HARLEY DAVIDSON ROAD KING FLHRSI  
VIN:1HD1FYW155Y621095

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 U.S.C. § 881(a)(4) and 21 U.S.C. § 881(a)(6)

Brief description of cause:

**VII. REQUESTED IN**☐ CHECK IF THIS IS A CLASS ACTION

DEMAND \$

CHECK YES only if demanded in complaint:

**COMPLAINT:**

UNDER RULE 23, F.R.Cv.P.

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE

Robert C. Brack

DOCKET NUMBER

CR18-1251RB

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/15/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE